

Remarks

Claims 35 and 36 as presented above were allowed in the parent application. The allowance followed submission of a declaration under 37 C.F.R. 1.132. A copy of the declaration is submitted herewith for the Examiner's convenience. Also submitted are copies of information disclosure statements and 1449 forms citing prior art considered in the parent and grand-parent applications.

The accompanying continuation application is filed for the sole purpose of citing three additional references not of record in the parent application. The references are Baile et al., U.S. Patent No. 3,818, 101; Keasling U.S. Patent No. 4,271,195 and South African Patent No. 67 3994. These new references are cited on accompanying PTO 1449 and copies are supplied.

The invention now claimed, and allowed in the parent, is directed to a method of promoting growth and improving feed efficiency in swine employing a single compound. The compound is a β -phenethanolamine. Baile et al., U.S. 3,818,101, disclose a method of inducing polyphagia (inducing more feed consumption) in meat producing animals employing certain β -phenethanolamines. The reference specifically teaches, in Column 2 at lines 19-21, that "...a certain subgroup of known sympathomimetic agents, e.g., β -adrenergic stimulants or agonists, have a polyphagic effect in commercial meat producing animals." The defined compounds are β -phenethanolamines which can bear "an aralkyl of from 5-12...carbon atoms" on the amine nitrogen atom. While allowed Claims 35 and 36 employ a β -phenethanolamine having a 10 carbonaralkyl group attached to the nitrogen atom, no teaching of the specific compound now required is seen in the Baile et al.

reference. In fact, the compounds which are specifically disclosed appear farther removed from that now required than those already overcome in the declaration of record. See particularly compounds A, B, and D in Column 6 of Baile et al. In short, the Baile et al. reference does not have an adverse affect upon patentability of the claimed invention.

Keasling, U.S. 4,271,195, discloses the use of certain phenethanolamines to promote lipolysis in swine. The compounds described differ from those now required in that the reference compounds are propiophenone catechols. Moreover, lipolysis is the utility described by Mills et al. of record, and is said to result in weight loss. The present invention contemplates weight gain. The Keasling reference therefore clearly has no adverse affect on the patentability of the now-claimed invention.

South African Patent No. 67 3994 is directed to a portion of the work reported by Van Dijk et al. in Recueil, 92, 1281 (1973), which is of record for its teaching of the very compound required to practice the present invention embraced by allowed Claims 35 and 36. While the '994 patent does not include a teaching of the compound now required, it does include an isomer, which isomer was also described in the Recueil reference. The '994 patent, like the Van Dijk reference, teaches the disclosed compounds are useful as spasmolytics. The patent goes on to teach the recited compounds can be administered to animals for treatment of uterine spasms. No suggestion is made in the '994 patent that any of the disclosed compounds might be useful for promoting growth or improving feed utilization as now claimed. The reference is therefore believed not to prevent patenting the invention now claimed.

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Consideration of these newly cited references and allowance of Claims 35 and 36 in light thereof is courteously requested.

Respectfully submitted,

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May 7, 1986